

## planning supplement

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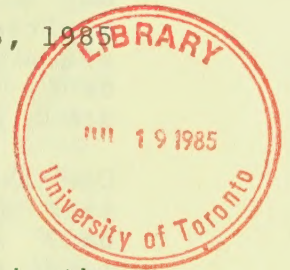
## background



Ontario

Ministry of  
Municipal AffairsGovernment  
PublicationsThe Honourable Bernard Grandmaître  
MinisterWard Cornell  
Deputy MinisterG. Milt Farrow  
Asst. Deputy Minister

July 15, 1985

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RETIREMENT COMMUNITIES

Retirement communities have existed for decades in the sun belt but they are relatively new to Ontario. Several appeared here during the 1970's, and the number seems to be growing. Retirement communities are groups of housing units, planned for healthy, older people most of whom are retired. They normally incorporate shared facilities and services, particularly recreational facilities. The type of dwelling unit and the features and support facilities can vary considerably. The predominant housing form has shifted from mobile homes to manufactured homes, and some communities offer conventional single-family bungalows with particular features designed to appeal to seniors.

Existing retirement communities across Ontario offer different degrees of independence and different physical (urban and rural) environments. Mostly, they locate in rural and recreational areas. The tendency has been to locate them outside existing communities, sometimes in quite isolated areas. This has a number of implications. The preservation of prime farmland may be a concern or the capacity of a waterfront area to withstand intensive development. Most retirement communities are quite large, numbering several hundred units.

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The attraction to the residents involves a number of factors: the beauty of the natural setting, the slower pace of rural life, a sense of community and of personal safety, the relatively low cost of housing, designed for low maintenance, and the availability of recreational facilities and of neighbours with similar interests and time to spend. Freedom from children may also be a factor but successful retirement communities are usually close enough to urban centres to allow convenient visiting. The vast majority of residents in planned rural retirement communities are urban people, not retired farmers.

Can these communities be kept as retirement communities and is age-segregation of the elderly good or bad? Critics contend that segregated living arrangements physically and socially isolate the elderly from the rest of society. Surveys suggest that the satisfaction level of most of the residents is generally high, but when complaints are recorded they usually relate to the isolation: poor access to shopping is the biggest beef.

In the United States, in response to pressure from senior citizen groups, an attempt has already been made to introduce "kid-free zoning". The Arizona state legislature has introduced enabling legislation and the city of Mesa has adopted an age-specific zoning code. It requires that each home in a designated overlay zoning district have at least one resident 50 years or older and that no one 18 or younger is allowed to live there for more than 90 days without a special use permit. The groups lobbying for the enabling legislation had argued that deed and lease restrictions were only enforceable through expensive and lengthy court battles, whereas zoning enforcement could be handled administratively by a zoning officer or agency.

To date, the Canadian experience with retirement communities has been very positive. An additional life-style choice has been made available for the elderly, without creating noticeable problems for the municipalities in which the developments are located. Some of the tenure arrangements are unconventional, such as lifetime leases, pre-paid lease and group ownership and, as in all such transactions, buyers should be wary. Experience will be gained as retirement communities mature and patterns become clearer. Planners will be watching developments here and south of the border to see how we can maximize the benefits and minimize potential problems.



AGGREGATE OPERATIONS AND SITE PLAN CONTROL  
UNDER THE PLANNING ACT

In preparing official plan provisions on site plan control for approval by January 1, 1986 (the date section 40 of the Planning Act, 1983 takes effect) some municipalities may be considering applying site plan control to mineral aggregate operations.

The provincial position is that site plan control is not an appropriate planning tool for dealing with the operation of pits and quarries. Section 40 of the Planning Act enables municipalities to exercise site plan control over "development". By definition, pits and quarries are not included as "development". Therefore, site plan control cannot apply to the working areas of a pit or quarry. Buildings and structures associated with aggregate operations could be subject to site plan control, but there are other planning tools (e.g. zoning by-laws) available to suit most circumstances.

The Pits and Quarries Control Act is the main provincial legislation covering aggregate operations. However, not all parts of the province are covered by this Act. The Ministry of Natural Resources can license such operations (in those parts of Ontario which are designated under the Act) only where their proposed locations are consistent with any existing official plan and zoning by-laws.

In areas not designated under the Pits and Quarries Control Act, municipalities can generally ensure reasonable local control of aggregate operations through their official plans and zoning by-laws without using site plan control. The hours of operation for a pit or a quarry can be controlled by a by-law passed under the Municipal Act.

Municipal concerns with specific proposed aggregate operations are best expressed in comments on licence applications under the Pits and Quarries Control Act, where it is in place. These comments can then be reflected in conditions on licences issued by the Ministry of Natural Resources. The Ministry sends all applications for licences under the Pits and Quarries Control Act to municipalities for comment. Municipalities can monitor the treatment of their comments by keeping in contact with M.N.R. after providing comments.

Where the operator of a licensed aggregate operation proposes changes requiring significant revisions to the "site plan" approved as part of the licence, the

Ministry of Natural Resources would also ask for municipal comments. For example, this happens where expansion of a licensed operation beyond the previously licensed area is proposed.

Information on the Pits and Quarries Control Act is available from the M.N.R. field office in your area. Questions on site plan control may be directed to the Plans Administration Branch you normally deal with or the nearest Community Planning Advisory Branch office of the Ministry of Municipal Affairs.

### INFORMATION EXCHANGE

1. Parking Standards for C1 and C2 Zones

June 5, 1985

Oakville Planning Department

This report reviews parking standards for the C1 zone, the local shopping centre zone and the C2 zone, the community shopping centre zone. A survey of all shopping centres in Oakville was undertaken and the results were analyzed to develop new parking standards for the two zones. The standard developed for local shopping centres was one space for every 22 m<sup>2</sup> of leaseable floor area and for community shopping centres it was one space for every 18 m<sup>2</sup> of leaseable floor area.

Contact: Lynne Gough, (416) 845-6601

A similar report deals with standards for C3A and M5A zones (Arterial Commercial and Industrial Arterial Commercial).

2. Port Dalhousie Harbour Plan, May 1984

City of St. Catharines - Lanmer Consultants (1978) Limited

A 38 page report which outlines a land-use concept and implementation strategy for the redevelopment of a recreational harbour and adjoining lands. The plan includes a series of components which can be implemented independently by both the public and private sector which will result in an integrated redevelopment. The plan includes detailed recommendations for implementation which identify who should be the lead agency/organization and possible sources of funding.

Contact: Paul Chapman, Manager, Policy Planning  
(416) 688-5600



3. Regional Housing Statement Update, May, 1985  
Regional Municipality of Ottawa-Carleton Planning  
Department

The report updates the region's Housing Statement for the years 1984-88 and makes 25 recommendations, some of which are as follows:

- establish minimum average annual housing targets,
- establish an inter-municipal task force on residential intensification requests,
- propose a 33% increase in the production of non-profit and cooperative housing,
- propose an exploration of various financial mechanisms to permit the region and the area municipalities to take direct municipal action in housing,
- Regional Council accepts responsibility for the coordination and/or implementation of housing registries,
- Regional Council commits itself to explore the concept of establishing a centralised housing information service.

Contact: D. Kardish, (613) 560-2053.

4. Institutional Policy Study, February, 1983  
North York Long Range Planning and Research  
Division

A comprehensive background study for the development of a policy for institutional uses in North York's official plan. The report includes a recommendation for a general institutional policy, as well as recommendations applicable to specific sites. 242 p. includes maps and appendices.

Contact: Ms. R. Bowser, Planner  
(416) 224-6126

5. Planning Act Delegation Materials, July, 1985  
City of North Bay, Planning Department

These documents provide the procedures related to the operation of approval powers delegated to the

municipality pursuant to Section 4 of the Planning Act, 1983, with respect to

- (i) Plans of Subdivision
- (ii) Plans of Condominium

\$5 is charged for reproduction and mailing.

Contact: S.M. Sajatovic, Deputy Planning  
Director  
(705) 474-0400, extension 234

6. Comprehensive Audit of the Planning Department  
City of Peterborough, December, 1984

The Planning Department was the first city department selected for a comprehensive audit. It was carried out by the firm of Currie, Coopers and Lybrand. The procedure involved the following:

- a. flow charting of the individual planning operations.
- b. interview of each member of the staff of the Planning Department and senior staff of other departments to be aware of operations and interactions,
- c. questionnaire to members of Planning Board, City Council and other boards and committees gathering opinions and measures of expectation of planning operation.
- d. questionnaires to community organizations, legal fraternity, developers and others who have been recently exposed to the planning operation.

The result is a good cross section of opinion of the performance level of the planning operation and the way in which the community views the planning operation. An internal reorganization and the addition of 1-1/2 staff members were recommended. An executive summary is available.

Contact: John Wood, Planning Director  
(705) 742-7771



## PLANNING AND THE LAW

### OBJECTIONS TO HAMILTON BY-LAW DEEMED INSUFFICIENT TO JUSTIFY A HEARING

A by-law to rezone a 3,700 m<sup>2</sup> (40,000 sq. ft.) parcel from "Residential" to "Commercial" was passed by the City of Hamilton on June 26, 1984. It was appealed to the municipal board by neighbouring property owners, who were concerned with traffic, access and parking, the perceived loss of quiet enjoyment of their homes and the removal of two moderately priced homes. The rezoning was intended to add the subject parcel to an adjoining commercial property and thereby permit the development of a 100 unit motel on the combined site.

Prior to the hearing date, the applicant filed a motion asking that the by-law be approved without going through a full hearing, on the grounds that the objections filed by the appellants were insufficient. The board noted that the development was supported by the Region, by the City's traffic department, engineering department and building department, by the Ministry of Transportation and Communications and by GO-ALRT. The development would be subject to site plan control and all the city's conditions could be imposed in the process. No expert evidence had been submitted to challenge the City's position. A letter from a real estate broker filed with the board disagreed with the objectors' opinion that moderately priced homes were scarce in Hamilton.

On December 18, 1984, the board concluded that the objections were insufficient to justify a full hearing and the by-law was approved.

Source: Decision of the Ontario Municipal Board  
R840473  
City of Hamilton Zoning By-law 84-155

### RE-SUBMITTED IDENTICAL APPLICATIONS AN ABUSE OF PROCESS IN BRAMPTON

Applications to divide a 40 ha (100 acre) tract in the City of Brampton into three parts were granted by the land division committee of the Region of Peel in 1980. The City appealed and the decisions were overturned by the municipal board, with the comment that the two applications would contravene most of the applicable policies of the official plan. The board's decision of July, 1980 was not petitioned to cabinet nor was a review requested under section 42 of the Ontario Municipal Board Act.

In 1983, identical applications were submitted to the land division committee and were approved. Once again, the City appealed the decisions. This time, the City asked that the applications be dismissed without a hearing on the grounds of abuse of process. The board invited argument on that motion. It was agreed that no change had occurred to any planning document, zoning by-law or severance policy and that no physical changes had occurred in the area. The only change in circumstances was the start of a comprehensive review of the official plan and zoning by-law. The City stated that it would be premature to place any reliance on these documents.

The board concluded that a fresh hearing would be tantamount to a review of its own decision without the preliminary requirements of Section 42 of the Ontario Municipal Board Act. On February 2, 1984, the board granted the motion and allowed the appeal without a hearing into the merits of the applications. The decision is without prejudice should new applications be submitted once the new official plan and zoning by-law have been finalized.

Source: Ontario Municipal Board Reports  
16 O.M.B.R. January, 1985  
City of Brampton v DeMintich

### CONFERENCES

1. NORTHEASTERN ONTARIO PLANNING CONFERENCE  
PARRY SOUND, ONTARIO

THEME: Access & Access Problems in North-eastern Ontario

DATES: September 19-21, 1985

PLACE: Parry Sound, Ontario

CONTACT: Donna Wynn, Secretary-Treasurer  
Parry Sound Area Planning Board  
52 Seguin Street  
Parry Sound, Ontario  
P2A 1B4  
Phone: 705/ 746-2101



2. ONTARIO PLANNERS' CONFERENCE - 1985  
King Edward Hotel - Toronto, October 16, 17 and 18.

This year's theme is Solutions. Beginning where last year's conference ended, the agenda focuses on methods for achieving solutions and solutions that have been successfully implemented. The conference will also identify skills and information that planners need to become more effective problem solvers.

The plenary sessions and workshops will focus on a wide range of topics including:

- . the future impacts of current housing policies;
- . computers - how to manipulate available information and some "how to's" on evaluating your organization's needs;
- . public relations - methods for planners to build on their public image;
- . economic revitalization - the growing role of planners in the economic development process.

As a unique feature of this year's conference, organizers are hoping to offer a "Hyde Park Soap Box Forum" during which participants would be asked to prepare a five minute presentation on an issue facing their community, followed by an exchange of ideas from the audience. If you are interested in participating in this workshop, please advise Elizabeth Lea, this year's Conference Co-ordinator, by August 12th.

Workshop speakers will include Professor Larry Susskind of the Programme on Negotiation at the Harvard Law School, Mr. Christopher Trump, Vice President and Assistant to the Chairman of Spar Aerospace Limited and Frank Clayton, Clayton Research Associates Limited.

Agendas and registration forms will be mailed in the near future. In the meantime, should you wish further information regarding the conference, please contact Elizabeth Lea at the Community Planning Advisory Branch: (416) 585-6238.

### 3. THE 1985 C.I.P. CONFERENCE

Words like "controversial", "stimulating" and "exhausting" crop up in descriptions of the three days spent by planners in Sudbury from June 23-26. The conference was clearly not dealing with minor details but invited participants to re-orient their thinking and stretch their imaginations. Over 400 registrants accepted the invitation and came away enriched. Although the general tone of discussions was quite philosophical, one enthusiastic participant commented approvingly on its "surprising relevance". Organizers of the event are to be congratulated.

### NEWS FLASHES

#### o Funding for Facade Studies

Facade and streetscape studies for commercial areas can now be funded under the Community Planning Grant Program. Funding is available for up to 50% of the cost of studies to establish a framework within which private improvements can be made to individual commercial facades.

Commercial facade improvement is a logical follow-up to public improvements on the street and is an important part of overall streetscape improvements. Municipalities under 65,000 in population are eligible for funding under the Community Planning Grant Program administered by the Community Planning Advisory Branch.

For further information please contact your nearest CPAB Field Office at the following numbers:

London	(519) 673-1611	or	TOLL FREE 1-800-265-4736
Toronto	(416) 224-7635	or	ZENITH 52650
Ottawa	(613) 566-3801	or	ZENITH 52650
Thunder Bay	(807) 475-1651	or	ZENITH 52650
Sudbury	(705) 560-0120	or	TOLL FREE 1-800-461-1193



o Economic Analysis of the Agricultural Industry in Bruce County

A community planning grant of \$8,300 has been awarded to the County of Bruce to assist the county in an economic analysis of the agricultural industry. The basic aim is to develop an inventory of feasible alternative futures for agriculture in the county.

o Cobalt ONR Station Redevelopment Study

In 1983, the Ontario Northland Railway announced the closure of Cobalt's historic train station and offered it to the Town for a nominal sum. This impressive red brick building with overhanging eaves and massive timber braces was designed by renowned architect John Lyle and opened in June 1910. The station was the heart of the Cobalt mining community around which hotels, restaurants and banks all gathered.

With the assistance of a combined grant from the Community Planning Grant Program, the Ontario Heritage Foundation and the Ontario Northland Railway, the Town is studying the cost of restoring the building to its original condition and determining future sympathetic uses. For more information call Don Hammond at (705) 560-0120 (Sudbury).

o No More Joints - Have You Allocated Your Official Plan Yet?

The 1983 Planning Act no longer provides for joint official plans. They all cease to exist on August 1, 1985. To avoid losing official plan coverage, affected municipalities have the option of either adopting a new official plan or adopting the policies of the joint plan through an allocation process. (allocate: to apportion for a specific purpose or to particular persons or things; distribute, designate.)

Ministry staff have been meeting with municipalities to explain the process and provide grants where necessary. As an interim measure, some municipalities have asked the Minister to issue an order continuing joint official plan coverage. For the distinction between "continuing" and "allocating", contact your friendly Ministry planner. Hint: an allocated plan is a new document. Municipalities that have not taken steps to ensure some form of coverage are urged to

formally submit such a request. Our goal is to help all the affected municipalities to have their own official plans in place by December, 1986.

o Ambulance Stations and Planners

There are currently 178 licensed ambulance services in Ontario, operating 600 vehicles out of 256 stations. In 1983-84, new ambulance stations were introduced in 19 Ontario communities. Community planners should be aware of the need to consider ambulance facilities. The Ambulance Services Branch of the Ministry of Health recommends that planning agencies maintain contact with the operator/manager of the ambulance service in their communities or call,

Mr. David Evans (416) 963-2637  
Special Projects Officer  
Technical Services Unit  
Ministry of Health  
7 Overlea Blvd., 7th floor  
Toronto, Ontario  
M4H 1A8

o Words of Wisdom at the Workshop

Quote of the day at the Central Ontario Region Planning Workshop, on May 9:

"My council likes site plan control throughout the municipality because it is a convenient way for each council member to know what's going to be built next in the municipality."

The workshop was attended by a sell-out crowd of 176 municipal planners and consultants, who enjoyed the setting - the Richmond Hill Country Club - and the program, which focussed on planning tools in the public forum. Site plan control, the drafting of by-laws and development agreements were the specific topics.

o Notice of Passing of Zoning

Municipal clerks can help ensure that municipal actions after the passing of zoning by-laws are efficient and not open to any serious procedural questions. A copy of the zoning by-law passed by council should accompany the notice sent by the clerk to the Plans Administration Branch. A copy of the by-law should also be attached to the notice of passing sent to the county or regional,



metropolitan or district municipality in which the municipality is located.

Municipalities east and north of the eastern boundary of the Region of Durham and County of Simcoe are served by the Plans Administration Branch - North and East. Those to the west of this boundary are served by the Plans Administration Branch - Central and Southwest.

For further information contact either the Plans Administration Branch dealing with your municipality or the nearest field office of the Community Planning Advisory Branch.

o They Do Things in a Big Way in the States

Downzoning is a rare event because the justification for reducing property values has to be very strong. A recent U.S. court decision upholding the downzoning of 40,000 acres in Fairfax County, Virginia is therefore of some significance. The downzoning reduced the permissible density from one house per acre to one homesite per five acres, in order to protect the county's major source of drinking water. It was feared that large-scale development would pollute the water supply. The landowners were said to have spent \$750,000 to fight the ordinance, while the County spent \$1.5 million in its defence in court.

o 1985 Planner's Reference

The 1985 Planner's Reference to Legislation, Provincial Policies and Guidelines is now available from the Ontario Government Bookstore, 880 Bay Street, Toronto, M7A 1N8, price \$3.00.

PEOPLE

- Keith Bain, Director of the Ministry's Local Planning Policy Branch, retired at the end of June '85 after 27 years of service to the Ontario government.

After graduating with a degree in geography from McMaster University, Keith joined the Subdivisions Branch of the former Department of Planning and Development in 1954 and subsequently joined the Official Plans Section becoming supervisor of the Section in 1960. In those days, municipalities with professional planning staff were few and far between

outside the big cities. The Community Planning Branch played a major role in promoting the concept of planning and the small staff of planning pioneers criss-crossed the province spreading the message.

G.K.B. became director of the new Local Planning Policy Branch when it was formed in 1972. In that position he was closely involved in the review of the Planning Act which began in 1975 and was responsible for the development of the new Act which was proclaimed in 1983. Keith and his wife Helen will be moving to their beloved farm in Erin Township north of Acton.

- Anne Beaumont, Executive Director of the Community Planning Programs Division has become Executive Director of the Human Resources Services Division of the Ministry of Government Services. Her successor is Ralph Grant, formerly Director of the Mortgage Administration and Services Branch.
- Tom Mokrzycki is the new Director of Planning and Development for the City of Oshawa, replacing R.G. Madziya who resigned early this year to take up a position in Alberta. Tom was previously manager of the planning branch and is now responsible for planning, buildings and real estate. He came to Oshawa in 1979 from the Brant Planning Board, where he was Director of Planning.
- Remember Doug Lychak, Commissioner of Planning and Development for Hamilton-Wentworth, who went to Alberta in 1981 to become Planning Director for the City of Edmonton? Doug rose to become Acting City Manager in Edmonton and is now back in Ontario as City Manager for Mississauga.
- George Leja is the new Resources Planner, succeeding Ron Mills, at the Nottawasaga Valley Conservation Authority. George comes from the South Lake Simcoe Conservation Authority, where he was Assistant Regulations Officer.

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The next issue of the Planning Supplement to Background is scheduled to appear in mid-October. If you have information for our "People" column, please call Pierre Beeckmans at (416) 585-6257 or drop him a line at

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